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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,466	10/10/2000	Mary Jane Michael		3302

7590 06/01/2005
Jerry Semer
617 Croghan Street
Fremont, OH 43420

EXAMINER

WEAVER, SUE A

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/685,466

Applicant(s)

MICHAEL, MARY JANE

Examiner

Sue A. Weaver

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-13, 16 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-13, 16 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 5, 7-13 and 16 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Kohn in view of Siegel and Bird, for the reasons set forth in paragraph 2 of the previous Office action of 8/27/2004.

2. Claims 6 and 20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 5 above, and further in view of Cantor for the reasons set forth in paragraph 3 of the previous Office action.

3. Claims 21 and 22 remain rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 5 and 11 above, and further in view of Murphy for the reasons set forth in paragraph 4 of the previous Office action.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11-13 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Marshall.

The expression "a removable liner for a purse" is considered to be no more than a statement of intended use which does not patentably distinguish the structure claimed in claims 11-13 and 16 over the structure of Marshall. Note that Marshall teaches a

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liner with removable pouches 14 which lie on four of the interior sides. The liner has a bottom as claimed and the pouches may be secured with snaps 16 or hook and loop material and may have differing sizes to be used according to the contents.

5. Claims 5-10 and 20 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Marshall, taken alone or further in view of Hatcher.

Applicant claims a purse without any particular structure other than a housing with an inside, outside and opening and handle.

Note that the crate of Marshall defines just such a housing with an inside, an outside, and opening at the top and handles attached by the upper rim construction, no patentable distinction is seen between the construction of the crate and liner taught by Marshall and the construction claimed in claims 1-10 and 20. Note that the combination taught by Marshall includes outer removable pouches on the exterior of the crate which may be attached by snaps or hook and loop material, as claimed.

To the extent that applicant would argue that the term "purse" implies a particular construction, Hatcher teaches a design for a handbag also considered to function as a purse which is designed as a crate. To have sized the combination of Marshall for such use would have been obvious in view of the design taught by Hatcher. Alternatively to have provided Hatcher with the liner arrangement taught by Marshall for use in other arrangement would also have been obvious in view of such teaching.

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6. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 5 and 11 above, and further in view of Muller.

To have further provided the removable liner or container with partitions or additional inner walls permit further organization of the contents would have been obvious in view of such teaching by Muller of a partitioned insert which is removable.

7. Applicant's arguments, see page 9 of the amendment, filed 12/1/04, with respect to the rejection of claims 20 under 35 USC 112 have been fully considered and are persuasive. The rejection of claim 20 has been withdrawn.

8. Applicant's arguments filed 12/1/04 have been fully considered but they are not persuasive. Applicant's arguments appear to be directed to the purported merits and advantages of the invention described in the disclosure and not the structure claimed.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Siegel clearly teaches applicants concept of providing a removable insert for a purse which receives removable pouches, so that the insert might be used in various different housings and the contents arranged in the removable pouches according to need. Kohn clearly demonstrates that a removable insert having four sides instead of the two taught by

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Siegel is well known in the art. In provision of removable pouches on additional walls when there are additional walls would have been most obvious in view of the prior art of record including Bird. To provide the additional walls with means to receive additional container simply allows one to carry and organize more items.

In response to applicant's argument that the removable pouches permits the user to design their own purse according to their needs, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Claims 1-4, 14, 15 and 17-19 have been canceled.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Denham et al show another crate handle attachment.

10. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Weaver whose telephone number is 571 272-4548. The examiner can normally be reached on Tuesday-Friday.

_. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SW


Sue A. Weaver
Primary Examiner